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## A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act shall be known and may be cited as the  
2 "Address Confidentiality Program Act".

3           SECTION 2. The legislature finds that persons attempting  
4 to escape from actual or threatened domestic violence, sexual  
5 offenses, or stalking frequently move to a new address in order  
6 to prevent being found by an assailant or potential assailant.  
7 This new address, however, is only useful for this purpose if an  
8 assailant or potential assailant does not discover it.  
9 Therefore, in order to help victims of domestic violence, sexual  
10 offenses, or stalking, it is the intent of the legislature to  
11 establish an address confidentiality program, whereby the  
12 confidentiality of a victim's address may be maintained through,  
13 among other things, the use of a substitute address for purposes  
14 of public records and confidential mail forwarding.

15           This Act establishes an address confidentiality program to  
16 give victims a substitute legal address to use in place of their  
17 physical address to be used whenever an address is required for



1 public records, such as voter or drivers' license registries.  
 2 Mail is received at the substitute address and forwarded to the  
 3 victim's true address. The legislature further finds and  
 4 declares that the desired result of the Address Confidentiality  
 5 Program Act is the use of the program participants' substitute  
 6 address by state and local government agencies whenever  
 7 possible, allowance for agency access to the participant's  
 8 actual address when appropriate, establishment of a mail  
 9 forwarding system for program participants, and assurance of  
 10 adequate funding to pay the program costs for all persons who  
 11 apply and qualify for participation.

12 The purpose of this Act is to develop a mechanism to help  
 13 survivors of domestic violence, sexual offenses, or stalking  
 14 relocate and keep their addresses confidential by establishing  
 15 an address confidentiality program.

16 SECTION 3. The Hawaii Revised Statutes is amended by  
 17 adding a new chapter to be appropriately designated and to read  
 18 as follows:

19 **"CHAPTER**

20 **ADDRESS CONFIDENTIALITY PROGRAM**

21 **§ -1 Definitions.** As used in this chapter:



1 "Actual address" means a residential, work, or school  
2 address as specified on an individual's application to be a  
3 program participant under this chapter, and includes the  
4 individual's county of residence and voting precinct.

5 "Address confidentiality program" or "program" means the  
6 program created under this chapter to protect the  
7 confidentiality of the actual address of a relocated victim of  
8 domestic violence, a sexual offense, or stalking.

9 "Applicant" means an individual identified as such in an  
10 application received by the program.

11 "Department" means the department of accounting and general  
12 services.

13 "Domestic violence" means an act described in section 586-  
14 1.

15 "Person" means any individual, corporation, limited  
16 liability company, partnership, trust, estate, or other  
17 association or any state, the United States, or any subdivision  
18 thereof.

19 "Program director" means the director of the program.



1 "Program participant" or "participant" means an individual  
2 accepted into the address confidentiality program in accordance  
3 with this chapter.

4 "Public record" means all documents, papers, letters, maps,  
5 books, photographs, films, sound recordings, magnetic or other  
6 tapes, digital data, artifacts, or other documentary material,  
7 regardless of physical form or characteristics, made or received  
8 pursuant to law or ordinance in connection with the transaction  
9 of public business by a state or local government agency.

10 "Sexual offense" means an act described in sections 707-  
11 30-41.

12 "Stalking" means an act of harassment as described in  
13 section 711-1106.

14 "State or local government agency" or "agency" means every  
15 elected or appointed state or local public office, public  
16 officer, or official; board, commission, bureau, committee,  
17 council, department, authority, agency, institution of higher  
18 education, or other unit of the executive, legislative, or  
19 judicial branch of the state; or any city, county, city and  
20 county, town, special district, school district, local



1 improvement district, or any other kind of municipal, quasi-  
2 municipal, or public corporation.

3 "Victim advocate or victim service provider" means any  
4 professional who is trained to support victims of crime  
5 including domestic violence, sexual offenses, or stalking.

6 "Substitute address" means an address designated under the  
7 address confidentiality program that is used instead of an  
8 actual address as set forth in this chapter.

9 **§ -2 Address confidentiality program; creation;**  
10 **substitute address; application assistance centers.** (a) There  
11 is hereby created the address confidentiality program in the  
12 department of accounting and general services to protect the  
13 confidentiality of the actual address of a relocated victim of  
14 domestic violence, a sexual offense, or stalking and to prevent  
15 the victim's assailants or potential assailants from finding the  
16 victim through public records. The program shall:

- 17 (1) Designate a substitute address for each program  
18 participant that shall be used by state and local  
19 government agencies as specified in this chapter; and
- 20 (2) Receive mail sent to each program participants at the  
21 substitute address and forward the mail to the



1 participant as set forth in subsection (b) of this  
2 section.

3 (b) The program shall receive first-class, certified, or  
4 registered mail on behalf of program participants and shall  
5 forward the mail to participants for no charge to the  
6 participant. The program may provide for signature on behalf of  
7 a participant for purposes of receiving certified or registered  
8 mail. The director or his or her designee may arrange to  
9 receive and forward other classes or kinds of mail at the  
10 participant's expense. The program shall not be required to  
11 track or otherwise maintain records of any mail except certified  
12 or registered mail received on behalf of a participant.

13 (c) Notwithstanding any provision of law to the contrary,  
14 service on a program participant by registered mail or by  
15 certified mail, return receipt requested, addressed to the  
16 participant at the participant's substitute address may be  
17 effective for any process, notice, or demand required or  
18 permitted by law to be served on the program participant.  
19 Service is perfected under this subsection at the earliest of  
20 the date the program participant receives the process, notice,  
21 or demand or five days after the date shown on the return



1 receipt if signed on behalf of the program participant.  
2 Notwithstanding the availability of service under this  
3 subsection, service of process, notice, or demand upon a  
4 participant in the State may be effected as otherwise provided  
5 by law.

6 Whenever the laws of the State provide a program  
7 participant a legal right to act within a prescribed period of  
8 ten days or less after the service of process, notice, or demand  
9 upon the participant and the process, notice, or demand is  
10 served upon the participant by mail pursuant to this subsection  
11 or by first-class mail as otherwise authorized by law, five days  
12 shall be added to the prescribed period.

13 (d) The program director or designee may designate as an  
14 application assistant any person who completes a training and  
15 registration process required by the program director.

16 (e) Assistance to an applicant pursuant to this chapter  
17 shall in no way be construed as legal advice.

18 **§ -3 Filing and certification of applications;**  
19 **authorization card.** (a) Beginning on July 1, 2015, upon the  
20 recommendation of a qualifying victim advocate or service  
21 provider, the following persons may apply to participate in the



1 address confidentiality program on behalf of the person and any  
2 individuals designated in paragraph (c)(10):

3 (1) An adult individual;

4 (2) A parent or guardian acting on behalf of a minor who  
5 resides with the parent or guardian; or

6 (3) A guardian acting on behalf of an incapacitated  
7 individual.

8 (b) A victim advocate or service provider shall assist the  
9 individual in the preparation of the application. The  
10 application shall be dated, signed, and verified by the  
11 applicant and shall be signed and dated by the victim advocate  
12 or service provider who assisted in the preparation of the  
13 application. The signature of the victim advocate or service  
14 provider shall serve as the recommendation of that person that  
15 the applicant have an address designated by the program to serve  
16 as the substitute address of the applicant. A minor or  
17 incapacitated individual on whose behalf a parent or guardian  
18 completes an application pursuant to (a)(2) or (a)(3) shall be  
19 considered the applicant, but any statements that are required  
20 to be made by the applicant shall be made by the parent or





1 guardian acting on behalf of the minor or incapacitated  
2 individual.

3 (c) The application shall be on a form prescribed by the  
4 program director and shall contain all of the following:

5 (1) The applicant's name;

6 (2) A statement by the applicant that the applicant is a  
7 victim of domestic violence, a sexual offense, or  
8 stalking and that the applicant fears for the  
9 applicant's safety;

10 (3) Evidence that the applicant is a victim of domestic  
11 violence, a sexual offense, or stalking, including any  
12 of the following:

13 (A) Records or files of a law enforcement agency,  
14 court, non-profit organization, or other federal,  
15 state or local government agency;

16 (B) Documentation from a domestic violence program,  
17 agency, or facility, including but not limited to  
18 a battered women's shelter or safe house;

19 (C) Documentation from a sexual assault program; or

20 (D) Documentation from a religious, medical, or other  
21 professional from whom the applicant has sought



- 1 assistance in dealing with the alleged domestic  
2 violence, sexual offense, or stalking;
- 3 (4) A statement by the applicant that disclosure of the  
4 applicant's actual address would endanger the  
5 applicant's safety;
- 6 (5) A statement by the applicant that the applicant has  
7 confidentially relocated in the past ninety days or  
8 will confidentially relocate within the state;
- 9 (6) A designation of the program director or program as an  
10 agent for the applicant for purposes of receiving  
11 certain mail;
- 12 (7) The mailing address and telephone number where the  
13 applicant can be contacted by the program;
- 14 (8) The applicant's actual address;
- 15 (9) A statement as to whether there is any existing court  
16 order or court action involving the applicant or an  
17 individual identified in paragraph (10) of this  
18 subsection related to dissolution of marriage  
19 proceedings, child support, or the allocation of  
20 parental responsibilities or parenting time, including



1 the court that issued the order or has jurisdiction  
2 over the action;

3 (10) The name of any person who resides with the applicant  
4 who also needs to be a program participant in order to  
5 ensure the safety of the applicant and, if the person  
6 named is eighteen years of age or older, the consent  
7 of that person to be a program participant; or

8 (11) A statement by the applicant, under penalty of  
9 perjury, that to the best of the applicant's  
10 knowledge, the information contained in the  
11 application is true.

12 (d) Upon determining that an application has been properly  
13 completed, the program shall certify the applicant and any  
14 individual who is identified in paragraph (c)(10) as a program  
15 participant. Upon certification, the program shall issue to the  
16 participant an address confidentiality program authorization  
17 card, which shall include the participant's substitute address.  
18 The card shall remain valid for so long as the participant  
19 remains certified under the program.

20 (e) Program participants shall be certified for four years  
21 following the date of certification unless the certification is



1 earlier withdrawn or canceled. A program participant may  
2 withdraw the certification by filing a request for withdrawal  
3 acknowledged before a notary public with the program. A  
4 certification may be renewed by filing a renewal application  
5 with the program at least thirty days prior to expiration of the  
6 current certification. The renewal application shall be dated,  
7 signed, and verified by the applicant. The renewal application  
8 shall contain:

- 9 (1) Any statement or information that is required by  
10 subsection (c) that has changed from the most recent  
11 prior application or renewal application; and  
12 (2) A statement by the applicant, under penalty of  
13 perjury, that to the best of the applicant's  
14 knowledge, the information contained in the renewal  
15 application and all prior applications is true.

16 **§ -4 Change of name, address, or telephone number. (a)**

17 A program participant shall notify the program within thirty  
18 days after the participant has obtained a legal name change by  
19 providing a certified copy of any judgment or order evidencing  
20 the change or any other documentation the program director deems  
21 to be sufficient evidence of the name change.



1 (b) A program participant shall notify the program of a  
2 change in contact address or telephone number or actual address  
3 from those listed on the most recent application or renewal  
4 application pursuant to paragraphs -3(c)(7) and -3(c)(8)  
5 no later than seven days after the change occurs.

6 **§ -5 Certification cancellation; records.** (a) The  
7 certification of a program participant shall be cancelled under  
8 any of the following circumstances:

- 9 (1) The program participant files a request for withdrawal  
10 of the certification pursuant to section -3(e);
- 11 (2) The program participant fails to notify the program of  
12 a change in the participant's name, address, or  
13 telephone number as required by section -4;
- 14 (3) The program participant or applicant knowingly  
15 submitted false information in the program  
16 application; or
- 17 (4) Mail forwarded to the program participant by the  
18 program is returned as undeliverable.

19 (b) If the program determines that there is one or more  
20 grounds for cancelling certification of a program participant  
21 pursuant to subsection (a), the program director shall send



1 notice of cancellation to the program participant. Notice of  
2 cancellation shall set out the reasons for cancellation. The  
3 participant shall have thirty days to appeal the cancellation  
4 decision under chapter 91 and procedures developed by the  
5 program director.

6 (c) An individual who ceases to be a program participant  
7 is responsible for notifying persons who use the substitute  
8 address that the designated substitute address is no longer  
9 valid.

10 **§ -6 Address use by state or local government agencies.**

11 (a) The program participant, and not the program director or  
12 the program, is responsible for requesting that a state or local  
13 government agency use the participant's substitute address as  
14 the participant's residential, work, or school address for all  
15 purposes for which the agency requires or requests such  
16 residential, work, or school address.

17 (b) Except as otherwise provided in this section or unless  
18 the program grants a state or local government agency's request  
19 for a disclosure pursuant to section -8, when a program  
20 participant submits a current and valid address confidentiality  
21 program authorization card to the agency, the agency shall



1 accept the substitute address on the card as the participant's  
2 address to be used as the participant's residential, work, or  
3 school address when creating a new public record. The  
4 substitute address given to the agency shall be the last known  
5 address for the participant used by the agency until such time  
6 that the agency receives notification pursuant to section -  
7 5(c). The agency may make a photocopy of the card for the  
8 records of the agency and thereafter shall immediately return  
9 the card to the program participant.

10 (c) Election officials shall use the actual address of a  
11 program participant for precinct designation and all official  
12 election-related purposes and shall keep the participant's  
13 actual address confidential. The election official shall use  
14 the substitute address for all correspondence and mailings  
15 placed in the United States mail. The substitute address shall  
16 not be used as an address for voter registration.

17 A state or local government agency's access to a program  
18 participant's voter registration information shall be governed  
19 by the disclosure process set forth in section -8.

20 The provisions of this subsection shall apply only to a  
21 program participant who submits a current and valid address



1 confidentiality program authorization card when registering to  
2 vote or updating voter registration information.

3 (d) A program participant who completes an application to  
4 register to vote at a driver's license examination facility  
5 while receiving a driver's license or an identification card  
6 shall be required to have the participant's actual address on  
7 the driver's license or identification card.

8 (e) The substitute address shall not be used for purposes  
9 of listing, appraising, or assessing property taxes and  
10 collecting property taxes.

11 (f) Whenever a program participant is required by law to  
12 swear or affirm to the participant's address, the participant  
13 may use the participant's substitute address.

14 (g) The substitute address shall not be used for purposes  
15 of assessing any taxes or fees on a motor vehicle or for titling  
16 or registering a motor vehicle. Notwithstanding any provision  
17 to the contrary, any record that includes a program  
18 participant's actual address pursuant to this subsection shall  
19 be confidential and not available for inspection by anyone other  
20 than the program participant.





1 (h) The substitute address shall not be used on any  
2 document related to real property recorded with a county clerk  
3 and recorder.

4 (i) A school district shall accept the substitute address  
5 as the address of record and shall verify student enrollment  
6 eligibility through the program. The program shall facilitate  
7 the transfer of student records from one school to another.

8 (j) Except as otherwise provided in this section, a  
9 program participant's actual address and telephone number  
10 maintained by a state or local government agency or disclosed by  
11 program pursuant to section -8 is not a public record that is  
12 subject to inspection.

13 This subsection shall not apply to:

14 (1) Any public record created more than ninety days prior  
15 to the date that the program participant applied to be  
16 certified in the program; or

17 (2) Any public record for which a program participant  
18 voluntarily requests that a state or local government  
19 agency use the participant's actual address or  
20 voluntarily provides the actual address.



1 (k) For any public record created within ninety days prior  
2 to the date that a program participant applied to be certified  
3 in the program, a state or local government agency shall redact  
4 the actual address or change the actual address to the  
5 substitute address upon request by the participant and  
6 presentation of a current and valid program authorization card.

7 **§ -7 Disclosure of actual address prohibited.** (a) The  
8 program is prohibited from disclosing any address or telephone  
9 number of a program participant other than the substitute  
10 address except under the following circumstances:

11 (1) The information is required by a court order; provided  
12 that any person to whom a program participant's  
13 address or telephone number has been disclosed shall  
14 not disclose the address or telephone number to any  
15 other person unless ordered or permitted to do so by  
16 the court;

17 (2) An agency request granted pursuant to section -8; or

18 (3) The program participant is required to disclose the  
19 participant's actual address as part of a registration  
20 required by the "Hawaii Sex Offender Registration  
21 Act", Chapter 846E.

1           The program shall provide immediate notification of  
2 disclosure to a program participant when disclosure is made  
3 pursuant to paragraphs (1) or (2).

4           (b) If, at the time of certification as a program  
5 participant under section -3, an applicant or an individual  
6 designated in section -3(c)(10) is involved in a judicial  
7 proceeding or is subject to a court order related to dissolution  
8 of marriage proceedings, child support, or the allocation of  
9 parental responsibilities or parenting time, the program shall  
10 notify the court that has jurisdiction over the proceeding or  
11 issued the order of the program participant's certification in  
12 the address confidentiality program and the substitute address.

13           (c) No person shall knowingly and intentionally obtain a  
14 program participant's actual address or telephone number from  
15 the program or any agency if the person is not authorized to  
16 obtain the information.

17           (d) No personnel of the program or of any agency shall  
18 knowingly and intentionally disclose a program participant's  
19 actual address or telephone number unless the disclosure is  
20 required by or permissible by law. This subsection shall only  
21 apply to a participant's actual address or telephone number



1 obtained during the course of official duties and for which, at  
2 the time of disclosure, the person has specific knowledge that  
3 the actual address or telephone number disclosed belongs to a  
4 participant.

5 (e) Any person who knowingly and intentionally obtains or  
6 discloses information in violation of this chapter shall be  
7 guilty of a misdemeanor.

8 § -8 Request for disclosure. (a) A state or local  
9 government agency requesting disclosure of a program  
10 participant's actual address pursuant to this section shall make  
11 such a request in writing on agency letterhead and shall provide  
12 the following information:

13 (1) The name of the program participant whose actual  
14 address the agency seeks;

15 (2) A statement, with explanation, setting forth the  
16 reason or reasons that the agency needs the program  
17 participant's actual address and a statement that the  
18 agency cannot meet its statutory or administrative  
19 obligations without disclosure of the participant's  
20 actual address;



- 1           (3) A particular statement of facts showing that other  
2           methods to locate the program participant or the  
3           participant's actual address have been tried and have  
4           failed or that the methods reasonably appear to be  
5           unlikely to succeed;
- 6           (4) A statement that the agency has adopted a procedure  
7           setting forth the steps the agency will take to  
8           protect the confidentiality of the program  
9           participant's actual address; and
- 10          (5) Any other information that the program may reasonably  
11          request in order to identify the program participant  
12          in the program's records.
- 13          (b) The program shall provide the program participant with  
14          notice of any request for disclosure received pursuant to this  
15          section, and, to the extent possible, the participant shall be  
16          afforded an opportunity to be heard regarding the request.
- 17          Except as otherwise provided, the program shall provide the  
18          program participant with written notification whenever a request  
19          for a disclosure has been granted or denied pursuant to this  
20          section.



1           No notice or opportunity to be heard shall be given to the  
2 program participant when the request for disclosure is made by a  
3 state or local law enforcement agency conducting a criminal  
4 investigation involving alleged criminal conduct by the  
5 participant or when providing notice to the participant would  
6 jeopardize an ongoing criminal investigation or the safety of  
7 law enforcement personnel.

8           (c) The program shall promptly conduct a review of all  
9 requests received pursuant to this section. In conducting a  
10 review, the program shall consider all information received  
11 pursuant to subsections (a) and (b) and any other appropriate  
12 information that the program may require.

13           (d) The program shall grant a state or local government  
14 agency's request for disclosure and disclose a program  
15 participant's actual address pursuant to this section if:

16           (1) The agency has a bona fide statutory or administrative  
17 need for the actual address;

18           (2) The actual address will only be used for the purpose  
19 stated in the request;

20           (3) Other methods to locate the program participant or the  
21 participant's actual address have been tried and have



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1 failed or such methods reasonably appear to be  
2 unlikely to succeed; and  
3 (4) The agency has adopted a procedure for protecting the  
4 confidentiality of the actual address of the program  
5 participant.  
6 (e) Upon granting a request for disclosure pursuant to  
7 this section, the program shall provide the state or local  
8 government agency with:  
9 (1) The program participant's actual address;  
10 (2) A statement setting forth the permitted use of the  
11 actual address and the names or classes of persons  
12 permitted to have access to and use of the actual  
13 address;  
14 (3) A statement that the agency is required to limit  
15 access to and use of the actual address to the  
16 permitted use and persons set forth in the disclosure;  
17 and  
18 (4) The date on which the permitted use expires, if  
19 expiration is appropriate, after which the agency may  
20 no longer maintain, use, or have access to the actual  
21 address.



1 (f) A state or local government agency whose request is  
2 granted pursuant to this section shall:

3 (1) Limit the use of the program participant's actual  
4 address to the purposes set forth in the disclosure;

5 (2) Limit the access to the program participant's actual  
6 address to the persons or classes of persons set forth  
7 in the disclosure;

8 (3) Cease to use and dispose of the program participant's  
9 actual address upon the expiration of the permitted  
10 use, if applicable; and

11 (4) Except as otherwise set forth in the disclosure,  
12 maintain the confidentiality of a program  
13 participant's actual address.

14 (g) Upon denial of a state or local government agency's  
15 request for disclosure, the program shall provide prompt written  
16 notification to the agency stating that the agency's request has  
17 been denied and setting forth the specific reasons for the  
18 denial.

19 (h) A state or local government agency may file written  
20 exceptions with the program no more than fifteen days after  
21 written notification of denial is provided pursuant to





1 subsection (g). The exceptions shall restate the information  
2 contained in the request for disclosure, state the grounds upon  
3 which the agency asserts that the request for disclosure should  
4 be granted, and specifically respond to the specific reasons for  
5 denial.

6 (i) Unless the state or local government agency filing  
7 exceptions agrees otherwise, the program shall make a final  
8 determination regarding the exceptions within thirty days after  
9 the filing of exceptions pursuant to subsection (h). Prior to  
10 making a final determination regarding the exceptions, the  
11 program may request additional information from the agency or  
12 the program participant and conduct a hearing. If the final  
13 determination of the director or his or her designee is that the  
14 denial of the agency's request for disclosure was properly  
15 denied, the program shall provide the agency with written  
16 notification of this final determination stating that the  
17 agency's request has again been denied and setting forth the  
18 specific reasons for the denial. If the final determination is  
19 that the agency's request for disclosure was improper, the  
20 program shall grant the agency's request for disclosure in  
21 accordance with this section. The final determination of the



1 program shall constitute final agency action subject to review  
2 by chapter 91.

3 (j) The record before any judicial review of a final  
4 agency action pursuant to subsection (i) shall consist of the  
5 state or local government agency's request for disclosure, the  
6 program's written response, the agency's exceptions, the hearing  
7 transcript, if any, and the program's final determination.

8 (k) During any period of review, evaluation, or appeal,  
9 the agency shall, to the extent possible, accept and use the  
10 program participant's substitute address.

11 (l) Notwithstanding any other provision of this section,  
12 the program shall establish an expedited process for disclosure  
13 to be used by a criminal justice official or agency for  
14 situations where disclosure is required pursuant to a criminal  
15 justice trial, hearing, proceeding, or investigation involving a  
16 program participant. An official or agency receiving  
17 information pursuant to this subsection shall certify to the  
18 program that the official or agency has a system in place to  
19 protect the confidentiality of a participant's actual address  
20 from the public and from personnel who are not involved in the  
21 trial, hearing, proceeding, or investigation.



1 (m) Nothing in this section shall be construed to prevent  
2 the program from granting a request for disclosure to a state or  
3 local government agency received pursuant to this section upon  
4 receipt of the program participant's written consent to do so.

5 **§ -9 Nondisclosure of address in criminal and civil**  
6 **proceedings.** No person shall be compelled to disclose a program  
7 participant's actual address during the discovery phase of or  
8 during a proceeding before a court or administrative tribunal  
9 unless the court or administrative tribunal finds, based upon a  
10 preponderance of the evidence, that the disclosure is required  
11 in the interests of justice. A court or administrative tribunal  
12 may seal the portion of any record that contains a program  
13 participant's actual address. Nothing in this section shall  
14 prevent a state or local government agency, in its discretion,  
15 from using a program participant's actual address in any  
16 document or record filed with a court or administrative tribunal  
17 if, at the time of filing, the document or record is not a  
18 public record.

19 **§ -10 Participation in the program; orders relating to**  
20 **allocation of parental responsibilities or parenting time.** (a)  
21 Nothing in this chapter, nor the fact of a party's participation



1 in the program, shall affect an order relating to the allocation  
2 of parental responsibilities or parenting time in effect prior  
3 to or during program participation.

4 (b) Program participation, by itself, shall not constitute  
5 evidence of domestic violence, a sexual offense, or stalking and  
6 shall not be considered for purposes of a court order allocating  
7 parental responsibilities or parenting time; provided that that  
8 a court may consider practical measures to keep a program  
9 participant's actual address confidential when issuing an order  
10 allocating parental responsibilities or parenting time.

11 **§ -11 Rule-making authority.** The comptroller shall  
12 adopt rules pursuant to chapter 91 as necessary to carry out the  
13 provisions of this chapter.

14 **§ -12 Surcharge; collection and distribution; address**  
15 **confidentiality program surcharge fund; definitions.**

16 (a) On and after July 1, 2015, each person who is  
17 convicted of the crimes set forth in subsection (b) of this  
18 section shall be required to pay a surcharge of twenty-eight  
19 dollars to the clerk of the court for the judicial district in  
20 which the conviction occurs.



1 (b) The following crimes shall be subject to the surcharge  
2 set forth in subsection (a) of this section:

3 (1) Stalking;

4 (2) A crime, the underlying factual basis of which has  
5 been found by the court on the record to include an  
6 act of domestic violence; or

7 (3) Criminal attempt, conspiracy, or solicitation to  
8 commit the crimes set forth in paragraphs (1) and (2).

9 (c) The clerk of the court shall allocate the surcharge  
10 required by this section as follows:

11 (1) Five percent shall be retained by the clerk of the  
12 court for administrative costs incurred pursuant to  
13 this section. Such amount retained shall be  
14 transmitted to the state treasurer for deposit in the  
15 Crime Victim Compensation Fund; and

16 (2) Ninety-five percent shall be transferred to the state  
17 treasurer, who shall credit the same to the address  
18 confidentiality program surcharge fund created  
19 pursuant to subsection (d) of this section.

20 (d) There is created in the state treasury the address  
21 confidentiality program surcharge fund, which shall consist of



1 moneys received pursuant to this section, any gifts, grants, or  
2 donations received by the program for the fund pursuant to  
3 subsection (f) of this section. The moneys in the fund shall be  
4 subject to annual appropriation for the purpose of paying for  
5 the administration costs incurred by the program. All interest  
6 derived from the deposit and investment of moneys in the fund  
7 shall be credited to the fund. Any moneys not appropriated  
8 shall remain in the fund and shall not be transferred or revert  
9 to the general fund at the end of any fiscal year.

10 (e) The court may waive all or any portion of the  
11 surcharge required by this section if the court finds that a  
12 person subject to the surcharge is indigent or financially  
13 unable to pay all or any portion of the surcharge. The court  
14 may waive only that portion of the surcharge that the court  
15 finds that the person is financially unable to pay.

16 (f) The program is authorized to seek, accept, and expend  
17 gifts, grants, and donations from private or public sources for  
18 the implementation of the program. All private and public funds  
19 received through gifts, grants, and donations shall be  
20 transmitted to the state treasurer, who shall credit the same to  
21 the fund.



1 (g) As used in this section, "convicted" and "conviction"  
 2 mean a plea of guilty accepted by the court, including a plea of  
 3 guilty entered pursuant to a deferred sentence, a verdict of  
 4 guilty by a judge or jury, or a plea of no contest accepted by  
 5 the court.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: Allen A. Pelletti

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JAN 23 2015



# H.B. NO. 446

**Report Title:**

Address confidentiality program; Address confidentiality program surcharge fund; Address confidentiality program grant fund

**Description:**

Establishes the address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential. Creates the address confidentiality program surcharge fund.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

